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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,335	07/05/2001	Peter Bernhard Kaars	P08682US01	5618
22885 7590 06/18/2009 MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721				
EXAMINER				
CHEA, PHILIP J				
ART UNIT		PAPER NUMBER		
2453				
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06/18/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/900,335

**Applicant(s)**

KAARS, PETER BERNHARD

**Examiner**

PHILIP J. CHEA

**Art Unit**

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office Action is in response to an Amendment filed May 26, 2009. Claims 1-11 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2002/0188841), herein referred to as Jones, and further in view of Arnold (US 6,275,848).

As per claims 1,7,8, Jones discloses a method of controlling communication of content information from a sender to a receiver via a data network, the method comprising:

verifying if the content information is available from at least one source other than the sender (see paragraph [0038], *where a watermark detector is used to find related content or information about the content from remote networks, domains or computers*) said verification including the steps of identifying content information, analyzing the same and checking an index of said plurality of sources as to whether the content is available therefrom (see paragraph 42, *showing how watermarks are checked for in data contents and an index is queried containing the watermarks to check of the location of the data*);

contacting a search engine if the content information is available from the at least one source, wherein the search engine determines a location within a data network of the at least one source of the content information and returns an updatable index listing sources of a copy of the content information (see last sentence of paragraph [0042] and paragraph [0043], *where a search engine is used to return pointers to content items that match the search request and the pointers provide the location of the files on the computer network*); and

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substituting for the content information a pointer to the location of the at least one source based on the updatable index of sources returned by the search engine (see last sentence of paragraph [0042], *where pointers are considered file pointers*).

Although the system disclosed by Jones shows substantial features of the claimed invention (discussed above), it fails to disclose that the pointer is URL of said at least one source, which URL can be used to access and retrieve said content information.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Jones, as evidenced by Arnold.

In an analogous art, Arnold discloses an automated referencing of electronic information by inserting a pointer, wherein the pointer is linked to the remote to retrieve an attachment (see Abstract). Arnold further discloses that the pointer is a URL of a source of information, which URL can be used to access and retrieve said content (see column 3, lines 57-62 and column 4, lines 60-35).

Given the teaching of Arnold, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jones by employing a URL as a pointer, such as disclosed by Arnold, in order to automatically link the user to the source of content by clicking on the hyperlink.

As per claim 2, Jones further discloses the method of claim 1 being carried out on request of at least the sender or receiver (see paragraph [0043], *where a sender or receiver can present key word search or searches automated by detecting a watermark from a particular content item of interest*).

As per claim 3, Jones further discloses that verifying comprises identifying the content based on a watermark embedded in the content (see paragraph [0038]).

As per claims 9-11, Jones further discloses updating the updateable index of the search engine with information about the location of the at least one source of the content information (see end of paragraph [0042]).

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3. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Arnold as applied to claim 1 above, and further in view of Zabetian (U.S. 6,327,656).

As per claim 4, although Jones disclose substantial features of the claimed invention (discussed above), he fails to directly disclose verifying the content based on a fingerprint of the content. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Jones, as evidenced by Zabetian.

In an analogous art, Zabetian discloses a system that can receive and transmit electronic mail (column 2, lines 42-45), verifying the document is the one to be received by using a fingerprint (column 7, lines 21-29).

Given the teaching of Zabetian, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jones by employing a fingerprinting method, such as disclosed by Zabetian, in order to identify and distinguish the document from other documents, even one that appear to be similar from one another (column 2, lines 4-9). It would have been obvious to use the fingerprinting system taught by Zabetian to verify that a particular document located at another source is the same document from the local source.

As per claim 5, Zabetian further discloses the communication being carried out depending on the sender being authorized to communicate the content information (see column 6, lines 37-53).

As per claim 6, Zabetian further discloses the communication being carried out depending on the receiver being authorized to receive the content (see column 11, lines 17-43).

#### ***Response to Arguments***

4. Applicant's arguments filed May 26, 2009 have been fully considered but they are not persuasive.

A) Applicant contends that Jones does not teach verifying.

In considering A), the Examiner respectfully disagrees. Please see rejection above regarding Jones' verification of watermarks and searching for the watermarks in an index to determine the location of the data.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea  
Examiner  
Art Unit 2453

/Philip J Chea/  
Examiner, Art Unit 2453  
6/17/09